

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK*QH*
FILEDUNITED STATES OF AMERICA, IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

VS.

★ NOV 01 2005 ★

**JUDGMENT INCLUDING
SENTENCE**NO. CR 04-454(S-2) 02(JG)
USM# 70933-053

ROOSEVELT TURNBULL

BROOKLYN OFFICE

Winston Y. Chan
Assistant United States AttorneyBurt Sulzer
Court ReporterPeter J. Fabricant, Esq.
Defendant's Attorney

The defendant Roosevelt Turnbull having pled guilty to count four of a superseding indictment accordingly, the defendant is ADJUDGED guilty of such Count(s), which involve the following offenses:

| <u>TITLE AND SECTION</u> | <u>NATURE OF OFFENSE</u> | <u>COUNT NUMBERS</u> |
|--------------------------|--|----------------------|
| 15USC1644(d) | RECEIPT OF GOODS OBTAINED BY USE OF FRAUDULENT CREDIT CARD | FOUR |

The defendant is sentenced as provided in pages 2 through 4 of the Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1988.

- The defendant is advised of his/her right to appeal within ten (10) days.
- The defendant has been found not guilty on count(s) and discharged as to such count(s)
- Open counts are dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$100.00 which shall be due immediately.

It is further ORDERED that the defendant shall notify the United States Attorney for this District within 30 days of any change of residence or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid.

OCTOBER 28, 2005

Date of imposition of sentence

s/John Gleeson
JOHN GLEESON, U.S.D.J.
*John Gleeson*Date of signature
A TRUE COPY ATTEST
DEPUTY CLERK*VO*

**DEFENDANT: ROOSEVELT TURNBULL
CASE NUMBER: CR 04-454(S-2)-02(JG)**

JUDGMENT-PAGE 2 OF 4

PROBATION

The defendant is hereby placed on probation for a term of THREE (3) YEARS.

The defendant shall not commit another Federal, State or Local crime.

The defendant shall not unlawfully possess a controlled substance.

For offenses committed on or after September 13, 1998:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

 The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

X The defendant shall not possess a firearm as defined in 18 U.S.C. Sect. 921.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the schedule of payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth in the "Standard Conditions of Supervision" sheet).

The defendant shall comply with the following additional conditions

SIX (6) MONTHS OF HOME DETENTION, WHETHER THE DEFENDANT IS PLACED ON ELECTRONIC MONITORING WILL BE LEFT TO THE DISCRETION OF THE PROBATION DEPARTMENT AND IF SO THE COST SHALL BE PAID BY THE DEFENDANT; MAKE FULL FINANCIAL DISCLOSURE; COMPLY THE ORDER OF FORFEITURE. THE DEFENDANT SHALL SERVE 250 HOURS OF COMMUNITY SERVICE AS DIRECTED BY THE PROBATION DEPARTMENT.

DEFENDANT: **ROOSEVELT TURNBULL**
CASE NUMBER: **CR 04-454(S-2)-02(JG)**

JUDGMENT-PAGE 3 OF 4

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) The defendant shall notify the probation officer within 10 days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a Physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **ROOSEVELT TURNBULL**
CASE NUMBER: **CR 04-454(S-2)-02(JG)**

JUDGEMENT 4 OF 4

CRIMINAL MONETARY PENALTIES

| <u>COUNT</u> | <u>FINE</u> | <u>RESTITUTION</u> |
|--------------|-------------|--------------------|
| FOUR | | \$90,000.00 |

**TO BE PAID AT A RATE OF 10% OF THE GROSS SALARY
THE CLERK SHALL DISTRIBUTE PRO RATA TO THE LIST OF VICTIM'S
APPENDED TO THIS JUDGMENT.
(SEE ATTACHED LIST)**

RESTITUTION

 The determination of restitution is deferred in a case brought under Chapters 109A, 110, 110A, and 113A of the Title 18 for offenses committed on or after 9/13/1998, until . an amended judgment in a Criminal case will be entered after such determination.

 The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

TOTALS: \$90,000.00

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, 113A of the Title 18 for offenses committed on or after September 13, 1998.

| NAME OF BANK | AMOUNT OF LOSS |
|---|----------------|
| Bank First 1509 W. 41 st Street Sioux Falls, SD 571-5-6370 | \$6,948 |
| First USA Bank NA 201 N. Walnut Street Wilmington, DE 19801-2920 | \$18,516 |
| CB & T 9 Mutec Drive Columbus, GA 31907-3031 | \$10,473 |

| NAME OF BANK | AMOUNT OF LOSS |
|---|----------------|
| First Premier Bank 601 S. Minnesota Avenue Sioux Falls, SD 57104-4824 | \$1,707 |
| Universal Card P.O. box 44167 Jacksonville, FL 32231-4167 | \$5,072 |
| Bank of America 1825 E. Buckeye Road Phoenix, AZ 85034-4252 | \$27,433 |
| Cross Country Bank P.O. Box 15371 Wilmington, DE 19850-5371 | \$839 |
| HNB/Chase NA 100 Duffy Avenue Hicksville, NY 11801-3639 | \$7,951 |
| American Express 777 American Express Way Fort Lauderdale, FL 3337-0001 | \$126,109 |
| Citibank USA NA-Sears 9337 Milliken Avenue Rancho Cucamonga, CA 91730-6002 | \$27,758 |
| Citibank USA NA-Sears 2211 Parklade Drive Atlanta, GA 30345 | \$1,181 |
| Citibank USA NA-Sears 45 Congress Street Salem, MA 01970-5579 | \$23,040 |
| Citibank USA NA-Sears 5400 University Avenue West Des Moines, IA 50266-5950 | \$4,580 |

| NAME OF BANK | AMOUNT OF LOSS |
|---|----------------|
| Citibank USA NA-Sears 4330 Michoud Blvd. New Orleans, LA 70129-2232 | \$11,561 |
| BP/Citibank SD 6400 Los Colinas Blvd. Irving, TX 75039 | \$1,170 |
| Shell/Citibank SD 6400 Los Colinas Blvd. Irving, TX 75039 | \$822 |
| Texaco/Citibank SD 6400 Los Colinas Blvd. Irving, TX 75039 | \$559 |
| Emerge/PVN 245 Perimeter Center Pk St. 600 Atlanta, GA 30346 | \$2,631 |
| Citi Cards CBSDNA P.O. Box 6500 Sioux Falls, SD 57117-6500 | \$34,036 |
| First USA Bank NA 1001 N. Jefferson Plaza Wilmington, DE 19801 | \$80,189 |
| Capital One Bank P.O. Box 85064 Glen Allen, VA 23058 | \$18,027 |
| Chase NA 100 Duffy Avenue Hicksville, NY 11801-3639 | \$12,881 |
| Citibank USA NA-Sears 13200 Smith Road Cleveland, OH 44130-7802 | \$11,690 |
| Exxon Mobile/MBGA 7840 Roswell Road Atlanta, GA 30350-6877 | \$192 |

| NAME OF BANK | AMOUNT OF LOSS |
|---|----------------|
| WFNNB/ShopNBC 4590 E. Broad Street Columbus, OH 43213-1301 | \$8,715 |
| Macy's East/FDSB 9111 Duke Drive Mason, OH 45040 | \$1,122 |
| Palisade Collections, Inc. 2425 Commerce Ave., Suite 100 Duluth, Ga 30096-8913 | \$1,361 |
| GE Capital Financial, Inc. 200 W. 15 th Street, Suite 150 Tempe, AZ 85281 | \$80,000 |
| Dell Financial Services LP 12234 N. IH 35 SB, Bldg. B Austin, TX 78754 | \$8,076 |
| Sherman Acquisition 9700 Bissannet, Suite 2000 Houston, TX 77036 | \$78,604 |
| Portfolio Recovery & Affiliates 120 Corporate Blvd., Suite 100 Norfolk, VA 23502-4962 | \$12,734 |
| Pinnacle Credit Service, Inc. 7900 Highway 7, #100 Saint Louis Park, MN 55426-4049 | \$3,458 |
| Zenith Acquisition 220 John Glenn Drive, #1 Amherst, NY 14228-2228 | \$1,963 |
| CBCS 236 East Towne Street Columbus, OH 43215-4631 | \$1,291 |
| HFC of Nevada 841 Seahawk Circle Virginia Beach, VA 23452-7809 | \$1,026 |

| NAME OF BANK | AMOUNT OF LOSS |
|--|----------------|
| LDG Financial Services LLC 4553 Winters Chapel Road, Suite 200 Atlanta, GA 30360-2772 | \$2,951 |
| Superior Asset Management, Inc. 19361 US Highway, 19N Clearwater, FL 33764-3102 | \$782 |
| Arrow Financial Service LLC 5996 W. Touhy Avenue Niles, IL 60714-4610 | \$2,015 |
| Genesis Financial Solutions 104 E. Beeline Lane Harker Heights, TX 76548-1262 | \$9,341 |
| Direct Merchants Bank 16430 N. Scottsdale Road Scottsdale, AZ 85254-1518 | \$71,102 |
| Macy's/GCCCC P.O. Box 29116 Shawnee Mission, KS 66201-1416 | \$5,263 |
| Gulf State Credit LLC/Atlanta P.O. Box 48650 Atlanta, GA 30362-1650 | \$15,312 |
| Asset Acceptance LLC 7027 Miller Road Warren, MI 48092 | \$18,539 |
| The Bureaus Inc. 1717 Central St. Evanston, IL 60201-1507 | \$8,896 |
| Diversified Adjustment 600 Coon Rapids Blvd. Coon Rapids, MN 55433 | \$433 |

| NAME OF BANK | AMOUNT OF LOSS |
|---|----------------|
| AFNI, Inc. P.O. Box 3427 Bloomington, IL 61702-3427 | \$170 |
| Citibank USA NA 541 Sid Martin Rd. Gray, TN 37615-6210 | \$901 |
| Household Bank P.O. Box 98706 Las Vegas, NV 89193-8706 | \$1,141 |
| Fleet CC 301 Rockerimmon Blvd. Colorado Springs, CO 80919 | \$27,080 |
| Providian Financial 4900 Johnson Drive Pleasanton, CA 94588-3308 | \$10,354 |
| First Consumers National Bank 9300 SW Gemini Drive Beaverton, OR 97078-0001 | \$28,801 |
| Household Bank P.O. Box 98706 Las Vegas, NV 89193-8706 | \$58,049 |
| Discover Financial Services P.O. Box 15316 Wilmington, DE 19850-5316 | \$198,392 |
| Associates/Citibank SD 110 Lake Drive Newark, DE 19702-3317 | \$1,950 |
| FCNB/Spiegel 9300 SW Gemini Drive Beaverton, OR 97078-0001 | \$4,941 |
| MBGA/J.C. Penney 4580 Paradise Blvd. N.W. Albuquerque, NM 87114-4105 | \$2,838 |

| NAME OF BANK | AMOUNT OF LOSS |
|---|--------------------|
| Midland Credit Mgmt. 5775 Roscoe Court San Diego, CA 92123-1356 | \$851 |
| Fleet CC 200 Tournament Drive Horsham, PA 19044-3606 | \$62,104 |
| TOTAL | \$1,165,921 |